

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

ROOSEVELT HENEGAN, JR.,)	Civil Action No.: 4:10-cv-0893-JMC-TER
)	
Plaintiff,)	
)	
-vs-)	
)	REPORT AND RECOMMENDATION
)	
TOWN OF KINGSTREE, RICKY)	
BURROWS, ANDREA R. KELLY,)	
RICHARD B. JOSEY, and ROBERT)	
MCKENZIE, in their individual capacities,)	
)	
Defendants.)	
_____)	

In this action, Plaintiff alleges Defendants discriminated against him because of his race in violation of Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. § 2000(e) et seq., 42 U.S.C. § 1981, and 42 U.S.C. § 1983. He also alleges violations of his due process rights and asserts a state law claim for civil conspiracy against Defendants Ricky Burrows and Andrea R. Kelly. Presently before the Court are Defendants Burrows' and Kelly's Motion for Partial Judgment on the Pleadings (Document # 12) and Plaintiff's Consent Motion to Dismiss (Document # 15).

All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(g), DSC. Because the Motion for Summary Judgment is a dispositive motion, this Report and Recommendation is entered for review by the district judge.

In their Motion for Partial Judgment on the Pleadings pursuant to Rule 12(c), Fed.R.Civ.P., Defendants Burrows and Kelly move to dismiss Plaintiff's third cause of action for civil conspiracy, which he has asserted only against Burrows and Kelly. In Response, Plaintiff filed his Consent Motion to Dismiss the third cause of action for civil conspiracy. Accordingly, it is recommended that

Plaintiff's Motion to Dismiss (Document # 15) be granted and that the third cause of action for civil conspiracy against Defendants Burrows and Kelly be dismissed with prejudice. It is further recommended that the Motion for Partial Judgment on the Pleadings (Document # 12) be deemed moot.

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

September 17, 2010
Florence, South Carolina